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USAID Environmental Procedures: 22 CFR 216

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Bureau Environmental Officers, USAID/LAC & EGAT





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CONTENT

USAID Environmental Procedures

- Background
- USG Legislation:
 - NEPA
 - 22 CFR 216
 - USAID Policy - Automated Directives System
- USAID Environmental Procedures (22 CFR 216)
- Resources





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USAID Environmental Procedures (22 CFR 216)



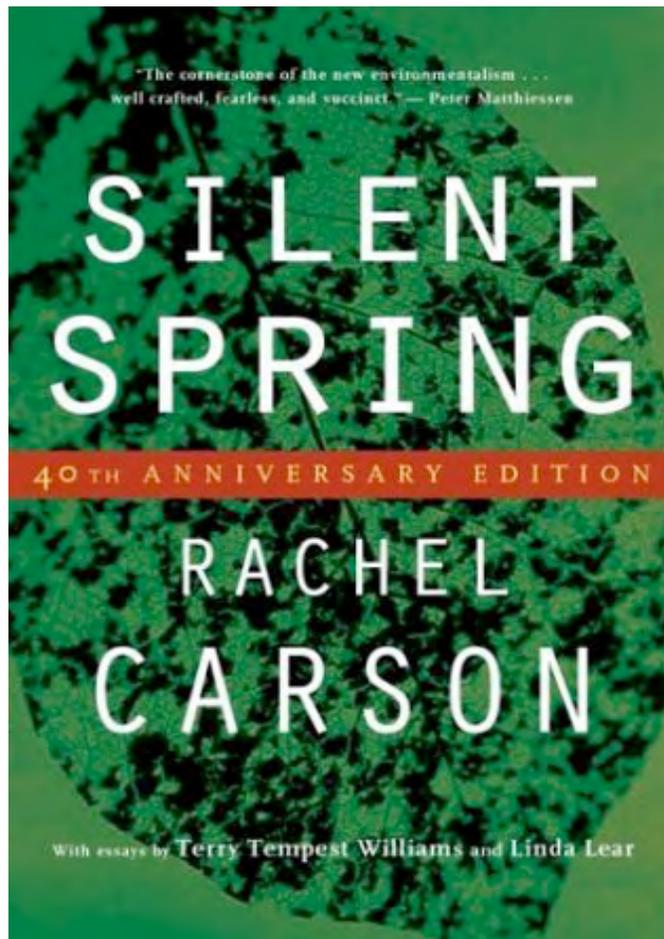
Competitiveness

- **Environmental Impact Assessment (EIA) is a state-of-the-art development**
 - Optimizes economic and social development – good tool for integration
 - Avoids future costs and setbacks
 - Prevents foreign relations incidents
 - Engenders public confidence in USAID
- **EIA is a legal requirement under NEPA and other legislation**



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Background

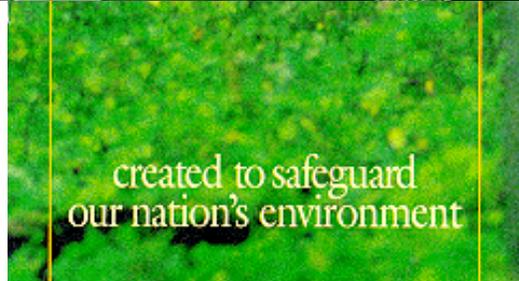
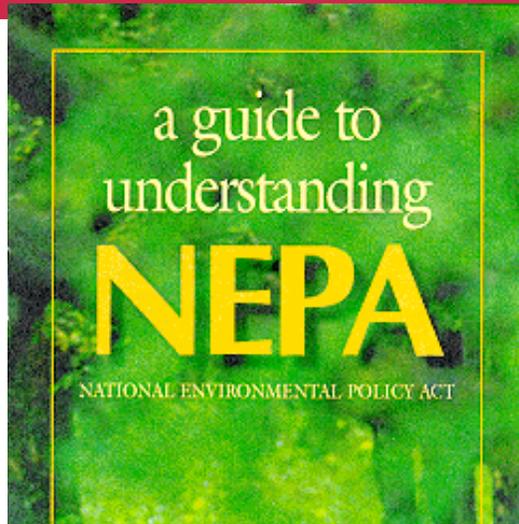


1960's:

- Environmental movement takes off with Rachel Carson's 1962 book, "Silent Spring"
- All sectors of American society became alarmed



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U.S. Congress passes environmental laws:

- Clean Air – 1962
- Water Pollution – 1965
- NEPA – 1970
- Pesticides – 1972
- Endangered Species – 1973
- Safe Drinking Water – 1974

President Nixon signs the National Environmental Policy Act (NEPA) – key



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Background: NEPA

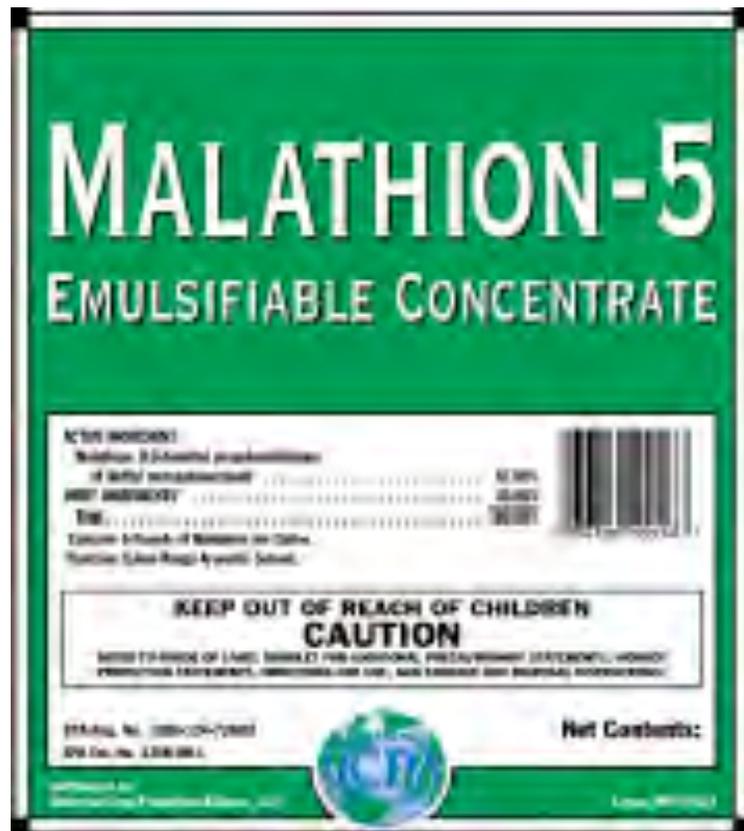
- **Federal agencies have to assess the potential environmental impacts of their actions**
- **Council on Environmental Quality (CEQ) created in the Office of the President**





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Background: USAID Resists

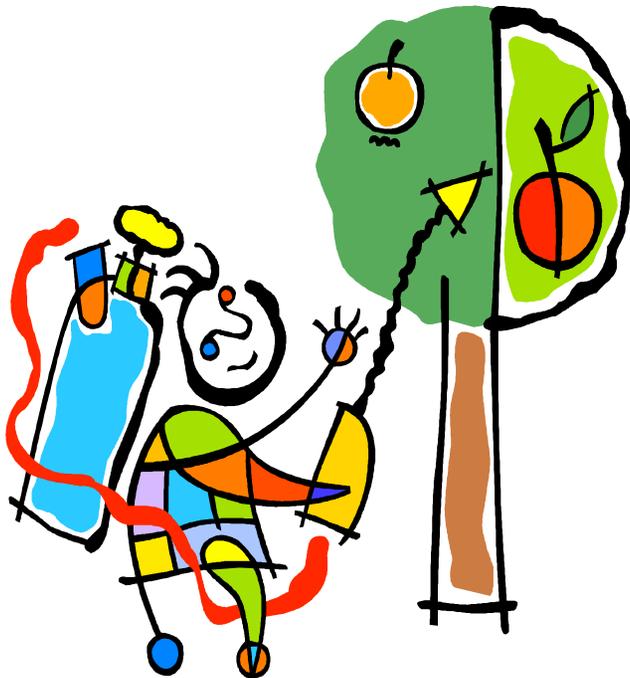


- USAID resisted implementation of NEPA
- In 1975, inappropriate use of the pesticide Malathion by USAID/ Pakistan project resulted in 5 deaths
- Consortium of U.S. NGOs sued USAID to force it to comply with NEPA.



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Background: USAID Complies



- USAID settled out of court
- Developed NEPA compliance “Environmental Procedures” through 22 CFR 216
- 22 CFR 216 established system of Bureau Environmental Officers to approve environmental compliance decisions and an Agency Environmental Coordinator.



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Background: Other Legislation



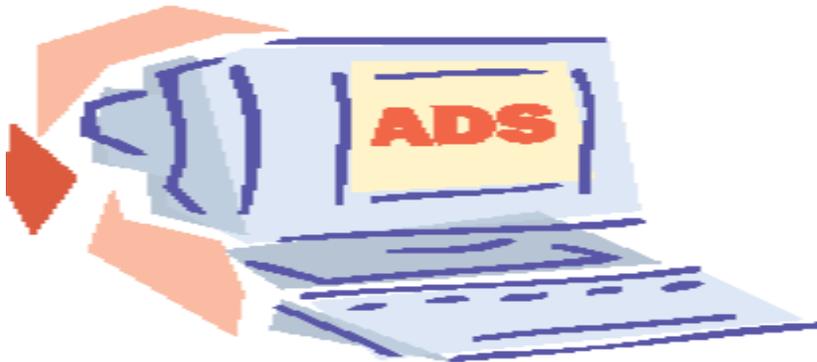
Jesse Buff

- **Executive Order 12114** requires all federal agencies that work internationally to develop NEPA procedures
- **Foreign Assistance Act (FAA) sections 117, 118, 119** reinforced USAID's environmental procedures



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Automated Directive System (ADS) 200 - 204



Series 100: Agency Organization and Legal Affairs

Series 200: Programming Policy

Series 300: Acquisition and Assistance

Series 400: Personnel

Series 500: Management Services

Series 600: Budget and Finance

USAID Handbook Series

ADS Glossary

- Official USAID policy/handbook
- USAID integrates Regulation 216 and FAA 117, 118, 119 into its ADS
- ADS Chapter 204 summarizes how Reg. 216 will be integrated into USAID's operations
- Environmental reviews are required for all actions prior to obligations.



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Something to remember:



All USAID-financed activities require an environmental review and approval prior to obligation of funds.



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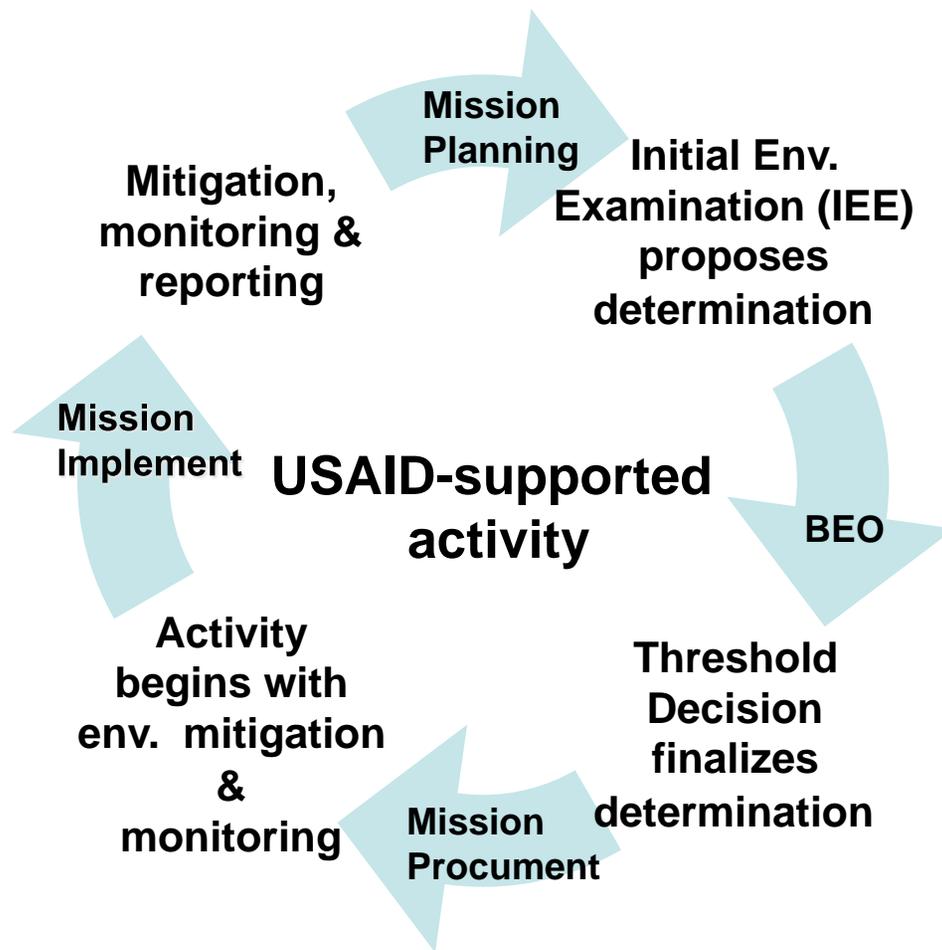
What do people think about USAID Environmental Procedures?





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Regulation 216: Process





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Reg. 216 Flow Chart

Activity Design

Exemption

IEE

Deferral

Categorical Exclusion or Negative Determination without conditions

Negative Determination w/ conditions – includes mitigation and monitoring

Positive Determination – includes formal approved Environmental Assessment

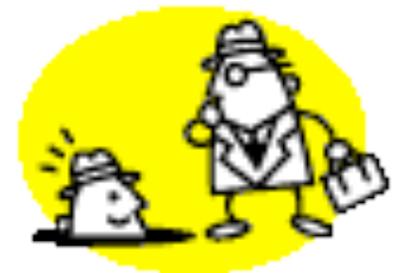
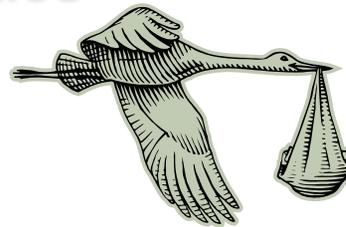
Approval by MEO, REA y BEO (the latter issues a "Threshold Decision" – activity then begins including mitigation & monitoring)



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Regulation 216: IEEs and Requests for Categorical Exclusion apply to:

- All new or supplemental activities funded by USAID
- Changes in existing activities which imply:
 - New components
 - A significant expansion or additional financing
 - Costs not previously included
 - Environmental impacts not previously foreseen





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Regulation 216: Determinations

- **Categorical Exclusion (pre-declared classes of actions without impact on the environment)**
- **Negative Determination (no significant impact)**
- **Negative Determination with conditions (no significant impact, but minor impacts addressed with guidelines, etc.)**
- **Positive Determination (yes, significant Environmental Impact – EA required)**
- **Deferrals**
- **Exemptions (officially declared by Administrator)**

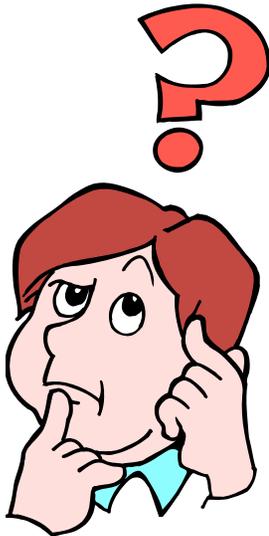




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Regulation 216: Question:

- Who is responsible for writing IEEs and complying with Regulation 216 requirements?



Answer:

- The CTOs* and the USAID team
- Contractors or IQC
- Everyone (sometimes)



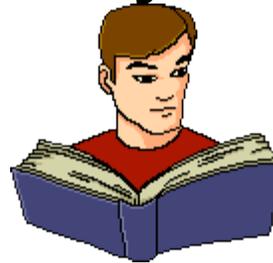
* The Mission Environmental Officer is not responsible for writing IEEs, but advises the process and approves documents



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Regulation 216: Summary

- Categorical Exclusion (without impacts) or Negative Determination (without impacts)
- Negative Determination with Conditions (without significant impacts, but with minor impacts)
- Positive Determination (with significant impacts, an Environmental Assessment is necessary)



Categorical Exclusion



Negative Determination with Conditions

GOBIERNO DE LA REPUBLICA DE NICARAGUA

PROYECTO: INFRAESTRUCTURA VIAL PARA LA PRODUCCION Y EL MERCADO

REPARACION DEL TRAMO VALLE COLON-NAMANJI 7 km.

Financiamiento: USAID/IICA, IDR – BID, CARE y Alcaldia – Comunidad

Población Beneficiada: 250 Familias

Generación de empleo: C\$ 77,407.00

Monto total de aportes:

USAID/IICA	C\$ 845,109.00
ALCALDIA	C\$ 1,422.00
COMUNIDAD	C\$ 8,690.00
CARE	C\$ 95,036.00
TOTAL	C\$ 950,257.00

Fecha de inicio: 23 de Abril 2004

Fecha de finalización: 30 de junio 2004

ALCALDIA LA CONCORDIA

7 km road rehabilitation, Nicaragua



**Negative Determination
with Conditions**

**Positive Determination
(EA)**

Commercial Nursery, Nicaragua



Negative Determination with Conditions

• • Cacao Plantation, Panama •

Positive Determination (EA)



Forestry activity, Guatemala



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**Positive
Determination (EA) or
Negative Det. with
Conditions**

**Exemption (w/ AA
Approval)**



Disaster response, Haiti

Positive Determination (EA/ PERSUAP) or Negative Det. with Conditions



Pesticide use,
Central America



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Resources

- **Books and Guidelines:**
 - USAID/LAC Environmental Guidelines, 2003, USAID (English, Spanish on USAID website)
 - Low-Volume Roads Engineering Best Management Practices Field Guide, US Forest Service, Gordon Keller
 - Agriculture and the Environment, 2004, WWF, Jason Clay (crop by crop guidance)
 - Aquaculture and the Environment, 2005, WWF, Katherine Bostic, (fish by fish guidance)
- **Websites**
 - USAID websites: EGAT, Africa, Asia, Bureaus
 - http://www.usaid.gov/our_work/environment/compliance/index.html
 - IAIA, other bilaterals, World Bank, etc.
- **People:** Regional Environmental Advisors, other USAID staff
- **Videos:**
 - Environmental Considerations: Towards a Sustainable Future, 2008, USAID (introduction)
 - Environmental Analysis: A Decision Making Process, 1994, US Forest Service (Guatemala road EA)





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Training:

- **Honduras, two 4-day courses mid-August, 2008**
- **Haiti, 4-day course mid-November, 2008**
- **Keep your ears open for more opportunities**





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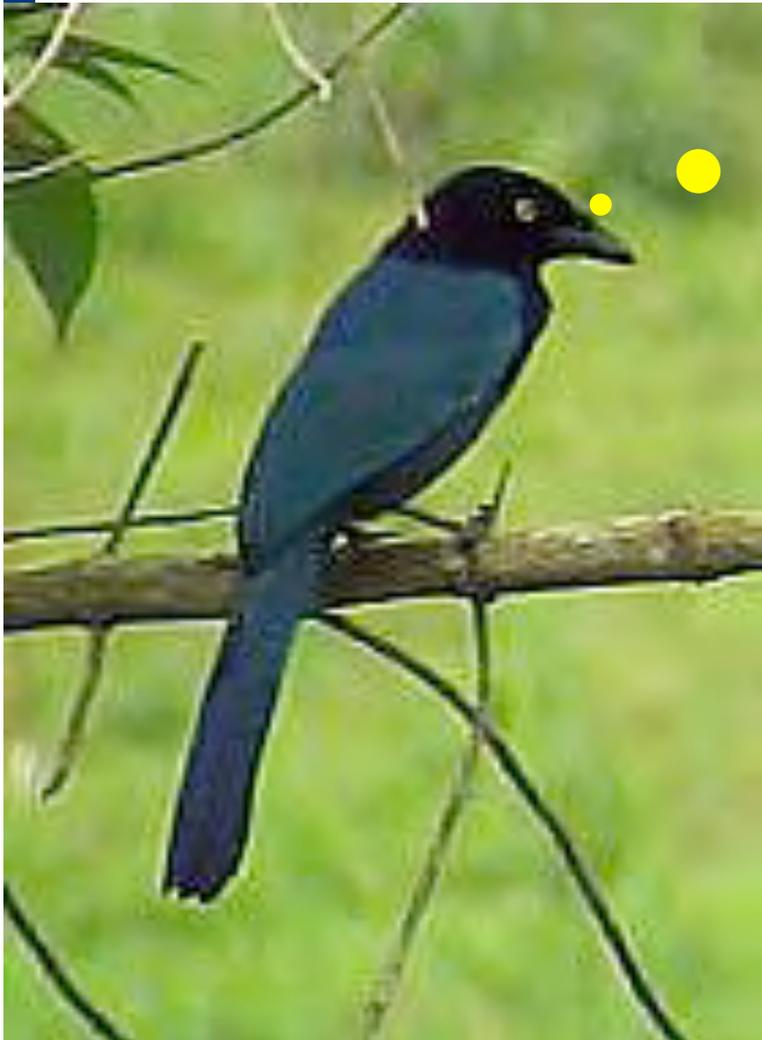
Remember:

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**¡ Gracias !
Thank you!**





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Breaker slide title (if needed)

Any subtitle information